


## **Notice of Public Hearing of the Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on March 11, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	<p style="text-align: center;"><b>Agenda</b> <b>Hearing Officer Public Hearing</b> <b>City Hall Council Chambers</b> <i>One City Plaza</i></p> <p style="text-align: center;"><b>Thursday, March 11, 2021 9:30 a.m.</b></p>
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Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings of the City of Yuma Hearing Officer will be conducted with limited public, in-person access, consistent with social distancing requirements.

***City Hall Council Chambers will be open with limited public access.***

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer secretary at email address [planning@yumaaz.gov](mailto:planning@yumaaz.gov) no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

### CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

### APPROVAL OF MINUTES

- December 10, 2020

### APPLICATIONS TO BE CONSIDERED

1. **VAR-33601-2021:** *This is a request by Oscar Peralta, on behalf of Amador Ordonez Orozco, for a Variance to reduce the front yard setback from 20' to 9' for a garage and carport in the Low Density Residential (R-1-6) District, for the property located at 2232 W. 16<sup>th</sup> Place, Yuma, Arizona.*

### ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149

**Hearing Officer Meeting Minutes  
December 10, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, December 10, 2020, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Sonia Ramirez.

**CITY OF YUMA STAFF MEMBERS** present included Kenneth McCoy, Assistant City Attorney; Amelia Griffin, Assistant Planner; Jessenia Juarez, Administrative Assistant, and Alex Marquez, Administrative Assistant.

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**Ramirez** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Ramirez** approved the minutes of November 12, 2020.

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**PUBLIC HEARINGS**

**VAR-32584-2020:** *This is a request by Michael and Lori O'Kelley, for a variance to reduce the front yard setback from 20' to 8', reduce the side yard setback from 7' to 0', and increase the lot coverage from 35% to 37.5% to allow the construction of a carport, in the Low Density Residential (R-1-6) District, for the property located at 439 W. 19th Street, Yuma, AZ.*

**Amelia Griffin, Assistant Planner**, summarized the staff report recommending **Denial**.

**QUESTIONS FOR STAFF**

**Ramirez** asked if the patio was built against the property line. **Griffin** answered yes. **Ramirez** asked if the applicant's request included removing the arch. **Griffin** said she did not think so. **Ramirez** then asked if the carport would be metal. **Griffin** replied that the applicant's proposal was to build a wood structure with a metal roof. **Ramirez** asked if the structure was going to be enclosed or open all around. **Griffin** said she believes it would be completely open.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Michael O'Kelly, 439 W. 19<sup>th</sup> Street Yuma AZ, 85364**, stated that the archway made it difficult to access the garage, so it's utilized as a workshop. **O'Kelly** went on to say that the carport would provide the shade and space needed for their cars. **Ramirez** asked if the structure was going to be open on the sides, and if he was in agreement with the Conditions of Approval in Attachment A. **O'Kelly** said yes it would be open, and that he agreed to the Conditions of Approval.

**OPEN PUBLIC COMMENT**

None

**DECISION**

**Ramirez** granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

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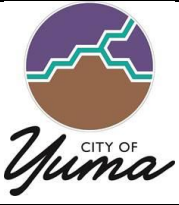
**Ramirez** adjourned the meeting at 9:41 a.m.

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Minutes approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Pamela Walsma, Hearing Officer

	<p style="text-align: center;"><b>STAFF REPORT TO THE HEARING OFFICER</b>  <b>DEPARTMENT OF COMMUNITY DEVELOPMENT</b>  <b>COMMUNITY PLANNING DIVISION</b>  <b>CASE TYPE – VARIANCE</b>  <b>Case Planner: Erika Peterson</b></p>
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**Hearing Date:**

MARCH 11, 2021

**Case Number:**

VAR-33601-2021

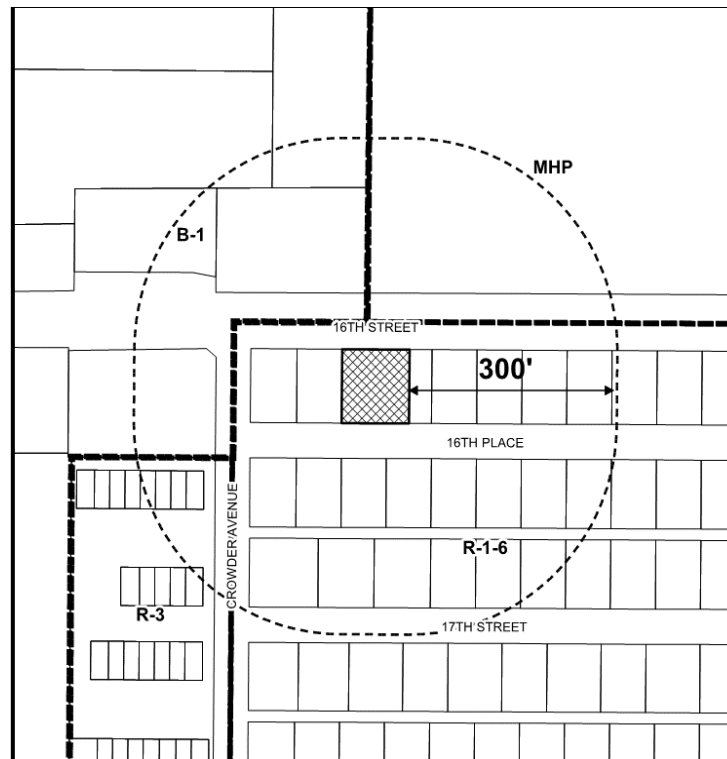
**Project**

**Description/Location:**

This is a request by Oscar Peralta, on behalf of Amador Ordonez Orozco, for a Variance to reduce the front yard setback from 20' to 9' for a garage and carport in the Low Density Residential (R-1-6) District, for the property located at 2232 W. 16<sup>th</sup> Place, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Low Density Residential (R-1-6) District	Residential	Low Density Residential
<b>North</b>	Limited Commercial (B-1) / Manufactured Housing Park (MHP) District	Residential	Commercial/Residential
<b>South</b>	Low Density Residential (R-1-6) District	Residential	Low Density Residential
<b>East</b>	Low Density Residential (R-1-6) District	Residential	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6) District	Residential	Low Density Residential

**Location Map:**



**Prior site actions:** Annexation: Ord. #1832 (06/15/1979); Rezone upon Annexation: Z79-29 Ord. #1887 (12/28/79)

**Staff recommendation:** Staff recommends APPROVAL of the request for a variance to reduce the front yard setback from 20' to 9' for the construction of garage and carport in the Low Density Residential (R-1-6) District, because it does meet the four criteria of §154-.03.04 of the Yuma City Code.

**Staff Analysis:** The subject property, located within the Meadowbrook Subdivision, is located approximately 160 feet east of W. 16<sup>th</sup> Place and S. Crowder Avenue. Currently, the property features a single-family residence which was constructed in 1956 under the jurisdiction of Yuma County and later annexed into the City in June of 1979. The property is located in the Low Density Residential (R-1-6) District. The applicant is proposing to construct a detached accessory structure which will encroach into the required front yard setback. In the Low Density Residential (R-1-6) District the minimum required setbacks are as follows: the front yard setback is 20 feet, the side yard setback is 7 feet, the street side yard setback is 10 feet, and the rear yard setback is 10 feet.

With this request, the applicant is requesting to construct a detached garage and carport in the same location as the previous structures that were destroyed by a fire in November 2020. The proposed structures will be constructed in the front yard setback. The request is for an 11 foot front yard setback reduction, leaving the front yard setback at 9 feet rather than the 20 foot front yard setback minimum requirement.

Many of the neighboring properties, which were constructed in the mid 1950's, have garages or carports similar to the proposed that encroach into the required front yard setback. Overall, this request would not be harmful nor would it negatively impact the safety, welfare, health, or value of the surrounding neighborhood. If this request were to be approved and constructed, the structures would be similar to those in the vicinity.

**1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?**

**A) *"There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."***

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:** *"I have no space on property to provide covered parking. Two spaces are required and I would like to place them back in the same place."*

**Staff Analysis:** The property is located approximately 160 feet east of W. 16<sup>th</sup> Place and S. Crowder Avenue in the Meadowbrook Subdivision. It was built in 1956 under the jurisdiction of Yuma County and annexed into the City in December of 1979. The owner purchased the property in 2013 with the detached garage and carport. Currently the property no longer has a garage or carport, because they were both destroyed by a fire in November of 2020. The variance request is to reduce the front yard setback, from 20 feet to 9 feet, to construct both

a garage and carport in the same location as the previously destroyed structures. There are several other structures similar as to what is being proposed in the vicinity and therefore this request would not negatively impact the neighborhood.

**B) “The special circumstance was not created or caused by the property owner or applicant.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:** “The previous garage was destroyed by fire.”

**Staff Analysis:** The special circumstance was not created by the property owner as the previous garage and carport were existing when they purchased the property in 2013. Additionally, in November of 2020 a fire occurred and damaged both structures, requiring the structures to be demolished. The owners are proposing to construct the garage and carport in the same location as before. Although, the property owners are requesting to reduce the front yard setback the right-of-way significantly encroaches into the front yard making the front yard setback seem bigger than what it really is.

**C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:** “Other properties on the same street have garages placed in a similar location as what we’re asking for.”

**Staff Analysis:** By granting this variance, the owners of this property would receive the same rights to build and own a garage and carport which encroach into the front setback as the neighbors have on the same street.

**D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:** “Rebuilding will not impact anyone or cause an eye sore.”

**Staff Analysis:** The granting of this variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety and general welfare. The granting of the variance will allow the construction of a garage and carport similar to those which currently exist within the area.

**2. Are any of the adjacent property owners opposed to this request? No.**

**Public Comments Received:**

Name:	Norma Jean Stroman	Contact Information:				
Method of Contact:	Phone	<input checked="" type="checkbox"/> FAX	Email	<input type="checkbox"/> Letter	<input type="checkbox"/> Other	
Let voicemail stating she does not live at the property she owns, 1651 W. 16 <sup>th</sup> Place, but the request does not affect her and would like to vote with what the majority of the neighbors are voting because she feels it will impact them.						

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** March 4, 2020

**Final staff report delivered to applicant on:** March 8, 2020

- ☐ Applicant agreed with all of the conditions of approval on:
- ☐ Applicant did not agree with the following conditions of approval: (list #'s)
- ☒ The conditions of approval were e-mailed to the applicant and a response was not received.

**Attachments**

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Aerial Photo

**Prepared By:**  
Erika Peterson  
Assistant Planner



**Date:** 03/04/2021

[Erika.Peterson@YumaAZ.gov](mailto:Erika.Peterson@YumaAZ.gov) (928)373-5000, x3071

**Approved By:**  
Alyssa Linville,  
Assistant Director Community Development



**Date:** 03/04/2021

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department Of Community Development Comments: Alyssa Linville, Assistant Director  
Community Development, (928) 373-5000 x 3037:**

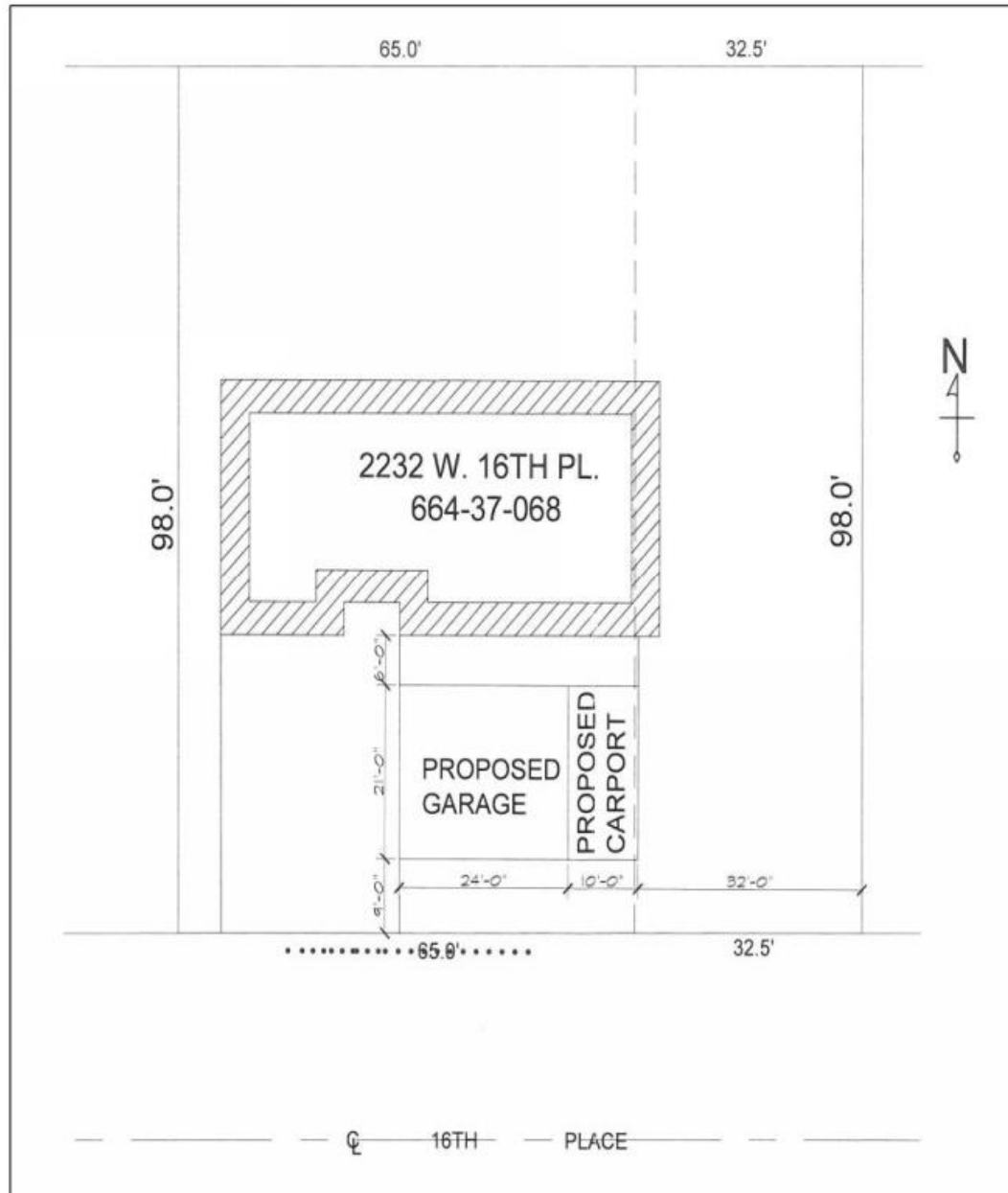
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**Community Planning: Erika Peterson, Assistant Planner, (928) 373-5000 x 3071:**

4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
5. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
6. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

# ATTACHMENT B SITE PLAN



## SITE PLAN



Prepared by: EP

Checked by:



Date: 01-28-2021

Revised:

Revised:

Project #:

VAR 33601-2021



## ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (02/19/21)
- 300' Vicinity Mailing: (02/10/21)
- Site Posted on: (03/04/21)
- 34 Commenting/Reviewing Agencies Noticed: (02/10/21)
- Neighborhood Meeting Date: N/A
- Hearing Date: (03/11/21)
- Comments Due: (02/22/21)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	2/11/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	2/12/2021	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	2/16/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	2/11/2021	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	2/12/2021	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	2/11/2021	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	2/17/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

## ATTACHMENT D SITE PHOTOS

Previous garage and carport:



Proposed project area:



ATTACHMENT E  
AERIAL PHOTO

